REPORT OF THE JOINT SELECT COMMITTEE ON THE MYSORE (BOMBAY AND HYDERABAD AREAS) RELIGIOUS AND CHARITABLE INAMS ABOLITION BILL, 1972.

The Joint Select Committee which considered the Mysore (Bombay and Hyderabad Areas) Religious and Charitable Inams Abolition Bill, 1972 has the honour to make this report with the Bill as amended by the Committee annexed thereto.

2. The Bill was published in the **Mysore Gazette** Extraordinary, dated 15th June 1972.

3. The Bill was introduced in the Legislative Assembly on 19th June 1972. The Legislative Assembly discussed the motion for consideration on 20th June 1972. The motion for reference of the Bill to the Joint Select Committee was adopted by the Legislative Assembly on 19th July 1972.

4. The Legislative Council discussed the motion for concurrence on 26th July 1972 and concerned with the motion on the same day.

5. The Committee held seven sittings namely on 29th and 30th September, 23rd and 24th October, 15th and 28th November and 6th December 1972. The Committee considered and adopted their report at the sitting held on 6th December 1972.

6. The observations of the Committee in regard to the principle charges made in the Bill are detailed in the succeeding paragraphs.

7. **Clause 1,—Sub-clause (4).—**

The Committee are of the opinion that the Act may be made applicable to all the inams simultaneously rather than piecemeal. The sub-clause is modified accordingly.

8. **Clause 2.**—The Committee are of the opinion that since there are "protected tenants" also in the Bombay and the Hyderabad Areas, the said term may be defined as in the Mysore Land Reforms Act, 1961. Accordingly a new sub-clause (1) is inserted.

9. **Clause 4.**—The Committee are of the opinion that the extent of land in respect of which a permanent tenant or a protected tenant shall be entitled to be registered as an occupant should not be more than the ceiling limit specified in the Mysore Land Reforms Act.

This clause is accordingly revised and suitable provision is made in new clause 5.

10. Clause 5 (New clause).—The Committee are of the opinion that a "protected tenant" may be registered as occupant on payment of a premium equal to fifty times the land revenue in addition to the land revenue payable. Accordingly provvision is made in this new clause.

11. **Clause 6 (original clause 5) and clause 7 (new clause).**—The Committee are of the opinion that a pujari, archak or holder of similar office rendering religious service in or maintaining the institution who is now excluded from being registered as occupant of land in his personal cultivation and also a person tendering any service in any such institution should also be made eligible to be so registered on payment of a premium equal to one hundered times the land revenue. Accordingly the proviso in old clause 5 is omitted and new clause 7 is inserted.

12. **Clauses 8, 9, 10 and 12 (original clauses 6, 7, 8 and 10).**—Consequent on a protected tenant and a pujari, archak etc., being made eligible to be registered as occupant, necessary changes are made in these clauses.

13. **Clause 11 (Original clause 9).**—The Committee are of the opinion that it should be made obligatory on the Deputy Commissioner to send the particulars of the decision to the officers maintaining the records of rights on the lines of the provisions in Section 9A of the Mysore (Religious and Charitable) Inams Abolition Act, 1955 (Mysore Act 18 of 1955). This clause is revised accordingly.

14. **Clause 23 (Original clause 21).**—(1) Sub-clause (1).—The Committee suggest that the representation should be in writing only. Accordingly the words "or orally" in sub-clause (1) is omitted.

(2) **Sub-clause (3).**—The Committee are of the opinion that the Deputy Commissioner should furnish the data within such time as may be prescribed. Sub-clause (3) is accordingly revised.

(3) **Sub-clause (4).**—The Committee suggest that for the word "communicated", the word "furnished" may be substitued. This is done.

15. **Original Clause 22.**—This clause provides for review by the Deputy Commissioner of his own orders determining the basic annual sum. The Committe are of the opinion—

(i) that such power need not be conferred on the Deputy Commissioner;

(ii) that the Divisional Commissioner may be empowered to revise the orders of the Deputy Commissioner only in cases where the State finances are affected;

(iii) that an appeal to the High Court be provided against the orders of the Divisional Commissioner in revision.

Accordingly clause 22 is omitted. Provision in respect of other recommendations of the Committee are made in clauses 33 and 37 (new clauses).

16. **Clause 24 (new clause).**—A declaration that the provisions in Chapter IV shall apply to tenants continued under section 6 is incorporated.

17. **Clause 27 (Original clause 25).**—The Committee are of the opinon that as the provisions of this clause, to the extent it specifies the heirs of the deceased tenant, conflict with personal laws, this clause be revised to the effect that in cases where a tenant dies the occupancy shall be deemed to be continued in the name of the heirs of the deceased tenant. The clause is suitably revised on the lines of the amendment proposd to Section 24 of the Mysore Land Reforms Act, 1961 in the Mysore Land Reforms (Amendment) Bill, 1972.

18. **Clause 28 (Original clause 26).**—The Committee are of the opinion that in sub-clause (2) it may be made clear that alienations permitted by Section 26 are not affected. Accordingly the sub-clause is revised.

19. **Clause 30 (Original clause 28).**—In view of the recommendation of the Committee that the premium payable by tenants continued under Government may be one hundered times the land revenue, sub-clause (1) is revised.

20. **Original Clause 29.**—The Committee are of the opinion that conferment of the rights specified in this clause is inconsistent with the policy to abolish inams and that therefore this clause may be omitted. Accordingly clause 29 (old clause) is omitted.

21. **Clause 31 (new clause).**—The Committee are of the opinion that the extent of land in respect of which a person referred to in Section 7 or Section 30 shall be entitled to be registered as an occupant, should not together with any land held by him exceed four hectares of garden or wet land possessing facilities for assured irrigation or eight hectares of rain fed wet land or dry land. Accordingly provision is made in this new clause.

22. **Clause 32 (new clause).**—The Committee are of the opinion that the lands vesting in the State Government and in respect of which a person is not entitled to be registered as an occupant under this Act should be disposed of in accordance with the provisions of Section 77 of the Mysore Land Reforms Act. Accordingly provision is made in this new clause.

23. **Clause 33 (new clause).**—In view of the Committee's opinion, referred to earlier, this new clause is inserted providing for revision by the Divisional Commissioner.

24. **Clause 34 (original clause 30).**—The Committee are of the opinion that the Divisional Commissioner may not be empowered to give effect to the provisions of this Act. The clause is suitably revised.

25. **Clause 35 (original clause 31).**—The Committee are of the opinion that the State Government should have power to cancel or revise any orders passed by the Divisional Commissioner under section 34. This clause is accordingly revised.

26. **Clause 36 (Original clause 32).**—(1) The Committee suggest that the time given for preferring an appeal for an aggrieved person provided in this clause may be enhanced from 30 days to 90 days. The clause has been amended accordingly.

(2) The proviso to this clause provides that the Revenue Appellate Tribunal, on sufficient cause being shown, allow further time not exceeding three months for filing an appeal. The Committee suggest that the State Government may make rules under section 42(2)(a) applying the relevant provision of the Indian Limitation Act. The clause has therefore been modified.

27. **Clause 37 (new clause).**—In view of the Committee's recommendation, provision is made in this clause for an appeal to the High